

REMARKS/ARGUMENTS

In response to the Final Office Action dated January 12, 2005, claims 1, 4-6, 9, 11, 13 and 15 are amended, and claims 2, 7, 10 and 12 are canceled. Claims 1, 4-6, 9, 11, 13 and 15 are now active in this application. No new matter has been added. Claims 3, 8, 14, and 16 are withdrawn from consideration as being directed to a non-elected invention.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

Claims 1, 2, 4-7, 9-13 and 15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Baker et al. (USPN 6,006,286).

The rejections are respectfully traversed.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention such that the identically claimed invention is placed into possession of one having ordinary skill in the art. *Helifix Ltd. v. Blok-Lok, Ltd.*, 208 F.3d 1339, 200 U.S. App. LEXIS 6300, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994).

There are significant differences between the claimed invention and the arrangement disclosed by Baker et al. that scotch the factual determination that Baker et al. identically describes the claimed inventions within.

Baker et al. is an invention relating to the DMA transfer through PCI bus.

(1) Fig. 3, Structure 128, "priority encoder":

In Fig. 3, header compare logic 110 acquires a channel for each packet, the acquired channel is imparted with the priority by priority encoder 128, and then the channel is selected.

The priority encoder 128 is logic (or a circuit) for selecting a DMA channel based on the compared results by n unit DMA receive packet comparator logic 110. In the arrangement disclosed in Baker et al., the channel is determined according to the address or the other necessary information embedded in the packet header, but a procedure for using the information embedded in the packet header is not disclosed specifically.

The Examiner appears to consider the above-mentioned information as the configuration information described in the present invention. However, it is hard to compare such information with that of the present invention, because Baker et al. does not specifically disclose the information.

(2) Fig. 4, Structure 102, "1394 receiver logic":

In the Official Action, paragraph 3, the fifth line, the Examiner indicates the structure 102 in Fig. 3 as the channel selecting unit of the present invention. However, the packet receiver control logic 102 is logic for transferring the data according to the channel selected by the structures 128 and 129 and the memory to which the data is transferred. Accordingly, the structure is **NOT** the claimed channel selecting unit.

I. Present invention:

The present application is characterized that in response to the competition of data which is outputted or inputted from or to plural physical plugs for a specified channel, the optimum channel is selected and switched thereto. Specifically, where the number of physical plugs is over that of the channel, an optimum physical plug is selected according to the channel priority which was given to the physical plug in advance and the channel is switched to the selected physical plug.

According to such configuration, even if the number of the physical plugs is more than that of the channels, the channel can be connected to the optimum physical plug.

II. Comparison:

The Examiner indicates that Baker et al. uses configuration information and a channel selecting unit. However, as far as Baker et al. does not disclose the correlation between the physical plug and the channel and the priority given to the physical plug, such information in Baker et al. are quite different from the configuration information and the channel selecting unit recited in the claims of the present invention.

If the invention disclosed in Baker et al. were applied to Fig. 2 of the present application, then Baker et al. does not block the input or output from or to the physical plug corresponding to the data having a low priority, so that, in case of concurrence of input or output to or from three physical plugs, as shown in Fig. 2 of the present application, the data from the audio output plug 113 with a low channel priority flows to the buss intermittently.

On the contrary, in case of the channel competition, the present application is configured so as to block the input or output from or to the physical plug corresponding to the data having a low priority, so that the data from the unauthorized physical plug can be blocked perfectly. Therefore, the channel competition can be avoided.

The above differences between the claimed device and method vis-à-vis the device and method of Baker et al. undermine the factual determination that Baker et al. identically describes the claimed inventions within the meaning of 35 U.S.C. § 102. *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81

(Fed. Cir. 1986). Applicants, therefore, submit that the imposed rejection of claims 1, 2, 4-7, 9-13 and 15 under 35 U.S.C. § 102 for lack of novelty as evidenced by Baker et al. is not factually or legally viable/

At any rate, to expedite prosecution, independent claims 1, 6, 9 and 11 are amended in order to more clearly delineate the subject matter of the present invention and claims 2, 7, 10 and 12 are cancelled. It is believed that amended independent claims 1, 6, 9 and 11 are patentable over Baker et al. for at least the reasons stated above, as are dependent claims 4, 5, 13 and 15. Consequently, the allowance of claims 1, 4-6, 9, 11, 13 and 15 is respectfully solicited.

CONCLUSION

Accordingly, it is urged that the application, as now amended, overcomes the rejection of record and is in condition for allowance. Entry of the amendment and favorable reconsideration of this application, as amended, are respectfully requested. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

09/825,284

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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